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Paper No. 5

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In re Application of:  
James M. Barton, et al.  
Application No.: 09/827,029  
Filed: April 5, 2001  
For: MULTIMEDIA TIME WARPING  
SYSTEM

MAIL

SEP 27 2002

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the request for reconsideration filed on August 23, 2002 regarding the decision (August 9, 2002) which denied the petition to make special of July 19, 2002.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, item II: Infringement, must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition filed July 19, 2002 was denied for failure of petitioner to provide the required copies of the related references.

Petitioner argues that a copy of the related references was already of record and had been considered by the examiner in the parent application. Upon reconsideration, the references were of record and petitioner thus satisfies the requirement.

The request for reconsideration is Granted.

The application is being forwarded to the examiner for action on the merits.

*Reinhard J. Eisenzopf*

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